

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SEVEN NETWORKS, LLC

Plaintiff,

v.

MOTOROLA MOBILITY LLC,

Defendant.

Civil Action No. 3:21-cv-01036-N

JURY TRIAL DEMANDED

**SEVEN’S OPPOSITION TO MOTOROLA’S MOTION FOR LEAVE TO FILE A
SURREPLY REGARDING PLAINTIFF’S MOTION TO COMPEL [DKT. 169]**

Motorola’s sur-reply relates to the *Sonrai* expert reports, one of three issues remaining in SEVEN’s Motion to Compel Motorola to Produce Documents and Discovery. Dkt. 151; Dkt. 163-01. There is no need for Motorola to file a sur-reply because SEVEN withdrew this issue following Motorola’s new revelation that Motorola destroyed the *Sonrai* reports. *See* Dkt. 170 (Notice).

As SEVEN explained in its Notice, SEVEN spent considerable time and effort meeting and conferring, corresponding, and briefing this issue over four months while Motorola made the sole objection that the reports contain third-party confidential information. *See* Dkt. 140-04 at APPX0245. Motorola never advised SEVEN that the reports SEVEN sought had been destroyed until SEVEN had already met and conferred numerous times on this issue, filed a motion to compel, and fully briefed the motion. *See* Dkt. 170-01 (email thread). And when Motorola first informed SEVEN of the destruction a week after the motion briefing concluded, Motorola repeatedly refused to answer when it first learned the reports were destroyed, presumably because it never bothered to investigate the issue until after it wasted SEVEN’s and the Court’s time. *Id.* Regardless, the issue in the sur-reply is moot. Motorola’s Motion should be denied, and SEVEN

respectfully requests that the Court consider the remaining two issues in its Motion to Compel.

Dated: July 17, 2023

Respectfully submitted

/s/ Samuel F. Baxter

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via CM/ECF on July 17, 2023.

/s/ Kevin Schubert

Kevin Schubert